Mr. K. Achyuta Menon *(Secretary to Government):* There is no special rotation for Forest Guards.

MALABAR HOTEL—LICENSE FOR

156. Mr. C. R. Iyyunni *(Trichur-South):* Will Government be pleased to state whether the "Malabar Hotel" in Willingdon Island has taken a license or has been granted a license to conduct a hotel?

Mr. K. Achyuta Menon *(Secretary to Government):* No; the question of licensing the D & O trades on the Willingdon Island is still under consideration.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Is there any difficulty in licensing them? Do they not come under our jurisdiction?

Mr. K. Achyuta Menon *(Secretary to Government):* The whole matter is being examined and our view point has been pressed. The matter is under correspondence.

Mr. C. R. Iyyunni *(Trichur-South):* May I know when did the examination begin?

Mr. K. Achyuta Menon *(Secretary to Government):* It began by the end of 1938.

Mr. C. R. Iyyunni *(Trichur-South):* May I know how long will it take to end?

Mr. K. Achyuta Menon *(Secretary to Government):* We are pressing the matter.

Mr. C. R. Iyyunni *(Trichur-South):* Are we not persuading them to take out the license? Are we not entitled by law to ask them to take out license?

Mr. K. Achyuta Menon *(Secretary to Government):* Yes. That is our position.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Then, why were they given this concession?

Mr. K. Achyuta Menon *(Secretary to Government):* They were not given any concession. The question of licensing them is under examination.

Mr. A. Eachara Menon *(Chittur-Rural):* But the trade has begun. You should have licensed them before they actually began the trade. Generally, the license should precede the trade.

Mr. K. Achyuta Menon *(Secretary to Government):* That is why we are pressing the question of imposing this license.

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Mr. A. Eachara Menon *(Chittur-Rural):* If they did not take the license, you should have stopped the trade.

Mr. President : We do not propose to stop the activities of the Port in that manner. We have to deal with the Government of India in these matters. We are not dealing with a private individual or a private hotel keeper in this case.

Mr. A. B. Salem *(Mattancheri):* May I know, whether, when the hotel was started, the place was under our jurisdiction or not, as a matter of fact?

Mr. K. Achyuta Menon *(Secretary to Government):* The place is within our jurisdiction, as otherwise the question would not have arisen.

Mr. A. B. Salem *(Mattancheri):* If it was in our jurisdiction before they began to conduct the hotel, why were they allowed to start the hotel by our Government without a license ?

Mr. K. Achyuta Menon *(Secretary to Government):* They were not allowed to do it without license.

Mr. A. B. Salem *(Mattancheri) :* Then how did they do it till now? Under the law a hotel must take out a license. The place is within our jurisdiction. This is all apart from the question of international importance.

Mr. President : It was a mistake that we committed five years ago when the hotel was started, and we woke up only 4 or 5 years after.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* May I know under whose jurisdiction the hotel now is, whether of the Port Authorities or of the Cochin Government?

Mr. K. Achyuta Menon *(Secretary to Government):* It is under our jurisdiction. Jurisdiction is always ours.

Mr. Puthur Achyuta Menon *(Kattur) :* May I know to whom this hotel belongs—to a private individual or Harbour Authorities?

Mr. President : Harbour Authorities, but they have given it to the Spencers to manage it.

Mr. A. B. Salem *(Mattancheri):* The President said that it is only after five years that the mistake was found out. I am not quarrelling about the mistake. Of course the mistake can be rectified. But what I am asking is, when the hotel is run by the Harbour Authorities all sorts of complications will arise. But that is not the case now. The hotel is run by a private firm. The Spencer and Co., are managing it. And when they manage it, they should take a license.

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Mr. President: The hotel belongs to the Harbour Authorities, but the running of it has been entrusted on certain terms to the Spencer and Co.

Mr. A. B. Salem *(Mattancheri):* The Spencer and Co. are actually doing the business. They are private individuals. The authority we have upon them is unlimited. The authority over the Harbour Authorities may be a matter of adjustment between the two Governments—Government of India and the Government of Cochin. But the authority over a private individual is unchecked and what is the difficulty in dealing with Spencer and Co., for carrying on an unlicensed trade?

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Was not this question brought before this House a year ago?

Mr. A. B. Salem *(Mattancheri):* Yes. The difficulty is with the Government of India. *(Laughter).*

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* May I know, Sir, whether this license is not to be taken year after year?

Mr. A. B. Salem *(Mattancheri):* Yes.

Mr. K. Achyuta Menon *(Secretary to Government):* When the question of the first license itself is under consideration I suppose there is no point in stating that the license is to be taken year after year.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* When the license is to be renewed year after year and when the first license itself is under consideration why should you allow them to continue without a license this year?

Mr. T. V. Subramania Ayyar *(Nemmara):* May I know, Sir, whether the Government is not aware that they are infringing our rules by allowing this business to be carried on by a private firm without a license?

Mr. K. Achyuta Menon *(Secretary to Government):* They ought to have taken a license according to us. But they dispute our claim. We are pressing the matter, and the matter is under consideration.

Dr. A. R. Menon *(Minister for Rural Development):* Sir, this matter comes also under my jurisdiction. I may assure this House that everything that could be done is being done, and the House may rest assured that the Government will be ready to insist upon our rights to the fullest extent possible.

Mr. President: The point at dispute is not whether Spencer and Company are allowed to run the hotel without license. The

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Government of India have raised a general question whether we are really in equity entitled to charge this fee for the dangerous and offensive trades carried on in the Willingdon Island altogether. Their point of view is this license fee is not a tax. The license fee is a fee taken in return for the services rendered. Since the Port Authority is contemplating to run a complete public health service, should this license fee be allowed to be levied by the Government of Cochin? That is their contention. We have stated we have got a right to collect. And the matter is under consideration. We have not lost our right or anything like that. The Government of India say that it is not a tax. Our jurisdiction is not questioned. The Port Authority is going to have a Public Health Officer of their own, and in view of this they say we should not charge a license fee. We said we have got a right to levy the license fee. The matter is under correspondence.

Mr. C. R. Iyyunni *(Trichur-South):* May I know, Sir, whether the Government of Cochin or the Minister for Rural Development under whom is the Public Health Department, will have any control over the Health Department that is going to be created in the Port area?

Dr. A. R. Menon *(Minister for Rural Development):* That is our view. They dispute that view.

Mr. C. R. Iyyunni *(Trichur-South):* Suppose plague breaks out there, may I know whether Cochin Government have got anything to do in connection with the stopping of that epidemic there?

Dr. A. R. Menon *(Minister for Rural Development):* Yes. We are spending money. We are taking necessary measures such as vaccination etc.

Mr. C. R. Iyyunni *(Trichur-South):* That means the Public Health Department of our State is exercising some control over the Willingdon Island also.

Mr. President: The laws of Cochin State apply to the Willingdon Island also. All our laws relating to Public Health automatically apply to the Willingdon Island, but the Willingdon Island is also under the Port Authority and not under a private individual. It is the usual practice in most of the major ports for the Port Trusts themselves to have an independent Health Officer. Now it is still under correspondence, as to what exactly will be the constitution of the Health Department of the Port Trust. It is contemplated that a full-time Health Officer will be appointed by the Port itself, but when that officer is appointed, he will no doubt administer our laws there. The laws there will be the laws of

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the Cochin State. That is the position. It is only a question of mutual adjustment with a Government in partnership with whom we are running the concern.

Mr. A. B. Salem *(Mattancheri):* I understand the difficulty, because we have to deal with the Government of India. May I know whether this dangerous and offensive trade license fee is levied under any enactment of Cochin?

Mr. K. Achyuta Menon *(Secretary to Government):* It was explained that the laws of this State are applicable to the Port area also.

Mr. A. B. Salem *(Mattancheri):* I do not dispute. The Hon'ble Secretary wants to confuse the issue. *(Laughter).* I am not going on that issue. What I am asking is, is this dangerous and offensive trade license imposed under a particular enactment of the Cochin State.

Mr. M. Sivarama Menon *(Advocate-General):* Certain sections of the Municipal Act have been made applicable to the rural parts of the Willingdon Island by means of a notification.

Mr. A. B. Salem *(Mattancheri):* So this license fees come under a particular law. What is the difficulty in imposing the license fee by the Minister in charge of the Rural Development and to collect this license fee? The explanation was that the Port Authority is contemplating the appointment of the Health Officer. But apart from the Health Officer the question of license fee comes under the Schedule of a particular Act and this is within the jurisdiction of the Cochin State. Why then is it not imposed upon the Spencer and Co.? The question whether it should be administered in a particular way is not a question that we are concerned with now. The question is, there is a law. The place is within our jurisdiction and the individual is carrying on a business which should take a license under the Act. The individual can be approached. That is a point to be considered by the Government. Of course they will say they would not allow it. That is all paramountcy. You need not enter into that question. I pause for an answer. No answer. *(Laughter).*

Mr. K. Achyuta Menon *(Secretary to Government):* Is that a question? You said that that is a point to be considered by the Government. That is why there was no answer.

Mr. A. B. Salem *(Mattancheri):* The officer administering the law must impose it. But has the Government tied his hands?

Mr. K. Achyuta Menon *(Secretary to Government):* You gave expression to irreproachable abstract questions of law.

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Mr. A. B. Salem *(Mattancheri):* The Director of Public Health must collect the license fee. Otherwise, they must be dealt with.

SHORANUR-COCHIN RAILWAY SERVICE—REPRESENTATION FOR COCHINITES

157. Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Will Government be pleased to state.—

(*a*) the total number of employees in the Shoranur-Cochin Railway ;

(*b*) of these, how many are Cochinites ;

(*c*) whether the S.I.R. Staff Selection Board did not select 400 hands during last year ;

(*d*) if so, how many Cochinites have been selected ?

Mr. K. Achyuta Menon *(Secretary to Government):* (*a*), (*b*), (*c*) and (*d*) Government have no information.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* May I know whether the Government are gathering the information?

Mr. K. Achyuta Menon *(Secretary to Government):* The information asked for must have a purpose in view.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Do Government think that absolutely no purpose is served by gathering the information on the subject?

Mr. K. Achyuta Menon *(Secretary to Government):* Yes. Because these appointments are not within our control and we have nothing to do with them. When we have nothing to do with it what is the use of getting information.

Mr. A. Eachara Menon *(Chittur-Rural):* The Government should press that more Cochinites should be employed there.

Mr. T. V. Subramania Ayyar *(Nemmara):* May I know whether the Port is not an autonomous body so far as this matter is concerned ?

Mr. K. Achyuta Menon *(Secretary to Government):* We are upon Railway. *(Laughter).*

Mr. President: Then you put it in the amended form, that is all. *(Laughter).*

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